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P.O. Box 6447  
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Telephone: (831) 624-8569  
Fax: (831) 624-1207  
E-mail: dst@netpipe.com

David S. Terman, M.D.  
President & CEO

August 13, 2001

Ms. Tanya Clark  
USPTO  
Washington, D.C.

Re: Ser. No. 09/751,708 Change of Domestic Priority data on Filing Receipt of 8/02/2001

Dear Ms. Clark:

The section on "Domestic Priority data" on the Filing Receipt of the above application is given as 12/28/1999 with an asterik indicating these data are "inconsistent with PTO records."

Herein, I respectfully indicate that the filing date of 12/28/99 is correct. In support, I am attaching:

1. **The corrected filing receipt** of 7/26/2001 signed by Janice Bruce in which the filing date of the provisional application Ser. No. 60/173,371 is given as 12/28/1999.
2. **The papers filed on 12/27/2000** with the non-provisional application which claims priority to the filing date of 12/28/1999 for the provisional application
3. **The letter from Beverly Flanagan**, Supervisory Petitions Examiner, approving my petition to restore the provisional filing date to 12/28/1999.

I trust that the above will be sufficient data to clarify the correct domestic priority date as 12/28/1999.

I therefore respectfully request that a corrected filing receipt be issued with removal of the asterik and "Data inconsistent with PTO records" from the section on "Domestic Priority data claimed by applicant.

Sincerely,



David S. Terman, M.D.

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# UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/751,708	12/28/2000	1651	345			42	19

CONFIRMATION NO. 8389

## FILING RECEIPT



\*OC000000006374036\*

David S. Terman  
P.O. Box 987  
Pebble beach, CA 93953

Date Mailed: 08/02/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

### Applicant(s)

David S. Terman, Pebble Beach, CA;

### Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/173,371 12/28/1999 \*

(\*) Data inconsistent with PTO records.

### Foreign Applications

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

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\*\* SMALL ENTITY \*\*

### Title

Compositions and methods for treatment of neoplastic disease

### Preliminary Class

435

1021





UNITED STATES PATENT AND TRADEMARK OFFICE

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WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
60/173,371	12/28/1999		75		3		

CONFIRMATION NO. 9958

CORRECTED FILING RECEIPT



\*0000000006344750\*

DAVID S. TERMAN  
P O BOX 987  
PEBBLE BEACH, CA 93953

Date Mailed: 07/26/2001

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

DAVID S. TERMAN, PEBBLE BEACH, CA;

If Required, Foreign Filing License Granted 02/12/2000

Projected Publication Date: N/A

Non-Publication Request: No

Early Publication Request: No

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Title

COMPOSITIONS AND METHODS FOR TREATMENT OF NEOPLASTIC DISEASES

Data entry by : BURSE, JANICE

Team : OIPE

Date: 07/26/2001



Paper No. 6  
**COPY MAILED**DAVID S. TERMAN  
P.O. BOX 987  
PEBBLE BEACH, CA 93953

DEC 01 2000

OFFICE OF PETITIONS  
A/C PATENTSIn re Application of  
David S. Terman  
Application No. 60/173,371  
Filed: December 28, 1999  
For: Compositions and Methods for  
Treatment of Neoplastic DiseaseDECISION GRANTING  
PETITION

This is a decision on the petition filed November 21, 2000, requesting that the above-identified provisional application be accorded a filing date of December 28, 1999. The application was recently forwarded to the Office of Petitions for consideration of the petition.

On December 28, 1999, this application was deposited with the United States Patent and Trademark Office (Office) without drawings containing Figures 1, 2 and 3 as described in the specification. Accordingly, on February 14, 2000, the Office of Initial Patent Examination mailed a Notice of Incomplete Provisional Application (Notice), stating that the Figures described in the specification were missing.

In response, on March 31, 2000, applicant filed three (3) sheets of drawings containing Figures 1, 2 and 3 and a copy of the Notice of February 14, 2000. Thereafter, the Office of Initial Patent Examination accorded a filing date of March 31, 2000, the date when applicant filed the drawings containing Figures 1, 2 and 3.

On November 21, 2000, applicant filed the present petition, a petition fee, and a preliminary amendment canceling the references to Figures 1, 2 and 3 in the specification. In the present petition, applicant requests that the above-identified application be accorded a filing date of December 28, 1999, the date the application was deposited with the Office without Figures 1, 2 and 3. Specifically, applicant states that the drawings containing Figures 1, 2 and 3 are not necessary for an understanding of the disclosed subject matter, and therefore, the application should be accorded the filing date of December 28, 1999, without the drawings.

A review of the record reveals, as applicant admits, that the application papers deposited on December 28, 1999, did not include Figures 1, 2 and 3. 35 USC 113, first sentence states, "The applicant shall furnish a drawing where necessary for the understanding of the subject matter sought to be patented." In general, it is the practice of the Office to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 USC 113. In this case, the application, as filed, includes method claims, which by Office practice does not require a drawing for filing date

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Application No. 60/173,371

Page 2

purposes. In addition, applicant is willing to accept the application, as filed on December 28, 1999, without drawings for purposes of an original disclosure and filing date.

In view of the above, the petition is **granted**.

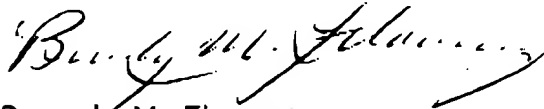
The application will be processed with a filing date of December 28, 1999, without using Figures 1, 2 and 3.

The preliminary amendment to the specification, filed November 21, 2000, canceling the references to Figures 1, 2, and 3 will be entered in due course and must be considered by the examiner for entry of new matter not described in the application as filed. See 35 USC 112, first paragraph; 35 USC 132.

The drawings containing Figures 1, 2 and 3, filed on March 31, 2000, are withdrawn and will not be used or entered during the prosecution of this application.

The application is being returned to the Office of Initial Patent Examination for correction of the filing date to December 28, 1999, and for an indication on the filewrapper that no sheets of drawings were present on filing.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Christina T. Tartera at (703) 306-5589.



Beverly M. Flanagan  
Supervisory Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

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Date: 12/27/00

ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231


Sir:

Transmitted herewith for filing is the patent application of

Inventor: David S. Terman

For: COMPOSITIONS AND METHODS FOR TREATMENT OF NEOPLASTIC DISEASES

Enclosed are:

- ☒ Specification and Claim(s).
- ☒ Oath or Declaration.
- ☒  sheet(s) of drawings.
- ☒ Copy of priority application(s).
- ☒ Verified Statement claiming small entity status is enclosed.
- ☒ A check in the amount of \$345 to cover the filing fee is enclosed.
- ☒ Applicant may be reached at: (831) 624-8569.

All correspondence should be directed to below listed address.

**DECLARATION FOR PATENT APPLICATION**  
**English Language Declaration**

---

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled, COMPOSITIONS AND METHODS FOR TREATMENT OF NEOPLASTIC DISEASES the specification of which

(check one)

- ☒ is attached hereto.
- ☐ was filed on \_\_\_\_\_ as Serial No.  
and was amended on \_\_\_\_\_ (if applicable)

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☐ was described and claimed in PCT International Application No. \_\_\_\_\_,  
filed on \_\_\_\_\_ and as amended under PCT Article 19 on  
\_\_\_\_\_ (if any).

I hereby state that I have reviewed and understand the contents of the above identified specification,  
including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37,  
Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign  
application(s) for patent or inventor's certificate listed below and have also identified below any foreign  
application for patent or inventor's certificate having a filing date before that of the application on which  
priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed) <input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

**PROVISIONAL APPLICATION NUMBER**

**FILING DATE**

60/173,371

December 28, 1999

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s)  
listed below and insofar as the subject matter of each of the claims of this application is not disclosed in the  
prior United States application in the manner provided by the first paragraph of Title 35, United States  
Code §112, I acknowledge the duty to disclose material to patentability as defined in Title 37, Code of  
Federal Regulations, §1.56 which became available between the filing date of the prior application and the  
national or PCT international filing date of this application:

(Application Serial No.)	(Filing Date)	(Status)
_____	_____	(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements  
made on information and belief are believed to be true, and further that these statements were made with  
the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or  
both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may  
jeopardize the validity of the application or any patent issued thereon.



Full name of sole or first inventor David S. Terman	
Inventor's signature <i>David S. Terman</i>	Date 12/27/00
Residence Pebble Beach, CA 93953	
Citizenship U.S.A.	
Post Office Address P.O. Box 987 Pebble Beach, CA 93953	
Full name of second joint inventor	
Second Inventor's signature	Date
Residence:	
Citizenship	
Post Office Address	
Full name of sole or third inventor	
Third Inventor's signature	Date
Residence:	
Citizenship	
Post Office Address	

(Supply similar information and signature for subsequent joint inventors.)

# ENTERA

P.O. Box 6447  
Carmel, CA 93921

Telephone: (831) 624-8569

Fax: (831) 624-1207

E-mail:

David S. Terman, M.D.  
President & CEO

8/13/01

To: Tanya Clark 703-3087751

From: D.S. Terman

Tanya: Please see attached sheets.  
(8) attached sheets.

Thank you.

David Terman